

"The Purposes of Environmental Impact Assessment (EIA) are to ensure that development options under consideration environmentally sound and sustainable and that environmental consequences are recognized and taken into account early in project design. EIAs are intended to foster sound decision making, not to generate paperwork. The EIA process should also help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore and enhance the environment" (EIA Status Report - 1998, Central Environmental Authority).

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EIA

Simple Questions and
Answers on
Environmental Impact Assessment (EIA)

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Environmental Impact Assessment in Sri Lanka

The purpose of this pamphlet is to address some of the commonly asked questions about the Environmental Impact Assessment (EIA) process in Sri Lanka.

Sri Lanka, as a developing country, has given high priority to economic development to raise the standard of living of its citizens. Development projects funded by both local and foreign capital play a major role in the economic development process. The share of private sector based development projects has been increasing rapidly in recent decades.

Most of the resources needed for development in Sri Lanka come from its environment. Thus, if the country wants to expand and sustain development, it is imperative that environmental resources are conserved and enhanced. This fundamental axiom, expressed in the concept of sustainable development, forms the basis for the National Environment Act. An amendment to this act introduced an internationally accepted process called Environmental Impact Assessment (EIA) as part of the strategy to achieve sustainable development. EIA has also become a mandatory

requirement of almost all international donor agencies for funding development projects

EIA is a simple and straightforward process of first predicting the potential impacts of development activities on the natural and social environment, and then suggesting measures to prevent or minimize negative impacts and to enhance positive impacts. The EIA process when carried out properly, benefits first and foremost the project proponent and other developers who intend to use natural resources. In addition, the EIA process provides a way for both government agencies and the public to ensure that both environmental (physical & biological) and social concerns are addressed before major development projects are undertaken.

In short, EIA ensures sustainable investment for developers and a livable environment for the people.

It is hoped that this pamphlet will provide some basic information on the EIA process in Sri Lanka and also dispel some of the myths that have arisen about EIA.

What is EIA?

EIA stands for Environmental Impact Assessment. EIA is an internationally accepted transparent process to predict and identify potentially significant environmental impacts of development proposals and to suggest mitigation measures to minimize the negative impacts and to maximize the positive impacts.

What is the philosophy behind EIA?

The philosophy behind EIA is the inseparable link between environment and development and the need to integrate environmental protection measures into development at early stages of planning. By integrating environment into development we can ensure the sustainability of our development efforts and also a healthy and pleasant environment for all of us to live in

How is Environment defined for the purpose of EIA?

The Environment consists of three main components. First, is the physical or the non-living (air, water and land), second is the biotic (plants and animals) and the third the social (people and everything they have created infrastructural facilities, economy, culture).

What is the purpose of EIA?

EIA is a simple process of predicting the potential impacts of development activities on the natural and social environment. EIA also suggests measures to prevent or minimize negative impacts and to enhance positive impacts. EIA ensures sustainable investment for developers and a livable environment for the people. In 1981 EIA was made a legal requirement for projects within the coastal zone and since 1993 is mandatory throughout Sri Lanka for prescribed development projects.

Are we the only country doing EIA?

EIA was first introduced in the United States in the early 1970. It has now been accepted and is practised in over 80 countries around the world. Most of the international donor agencies insist on EIA as a pre-requisite for considering funding projects. In Sri Lanka EIA was first introduced by the Coast Conservation Act, No. 57 of 1981. This act covers projects coming under the Coast Conservation Department. The National Environmental (Amendednt) Act No. 56 of 1988 introduced EIA for the entire country.

How do I know whether my project proposal will be required to go through the EIA process?

You can verify with the Central Environmental Authority, or refer to the Government Gazette No. 772/22 of 24th June 1993 and No. 859/14 of 23rd February 1995. The Central Environmental Authority may provide you with a Basic Information Questionnaire to submit essential information about the project, in order for CEA to determine the above.

If the project is located within the coastal zone then you should contact the Director General, Coast Conservation Department. The coastal zone comprises 300 meters land-wards from the high waterline and 2 km seawards from the low waterline. In the case of estuaries and other water bodies 2 km distance from the water area when you draw a line perpendicular to the mouth of the water body.


If the project is located within one mile from the boundary of a National Reserve you should contact the Dept. of Wild Life Conservation.

Note that only the prescribed projects are required to go through the EIA Process.

What are prescribed projects?

Only large-scale development projects that are likely to have significant impacts on the environment are listed as prescribed projects. The projects are prescribed according to two categories.

1. By type and the magnitude. (e.g. Thermal Power Project over 25 MW, Hotels over 99 rooms, highways over 10 km, cement manufacturing plants, reclamation of wetlands over 4 hectares)
2. By location (e.g. if projects are located wholly or partially within environmentally sensitive areas such as forest and wildlife reserves, stream or lake reservation, archaeological reserve, declared erodible areas etc).



The prescribed projects are listed in the Gazette no 772/22 of 24th June, 1993 and 859/14 of 23rd February 1995.

How do I begin or initiate the EIA process?

First find out whether the project proposal falls within the “prescribed project” list and then which government agency will be the “Project Approving Agency”. The Project Approving Agency is the government agency responsible for administering the EIA Process. The Ceylon Tourist Board, Coast Conservation Department, Central Environmental Authority are examples. Detail information can be obtained by referring to the gazette notification 772/22 of 1993 and 859/14 of 1995.

Thereafter the Project Proponent (that is you) need to submit some **Preliminary Information** about the proposed project to the Project Approving Agency. The Project Approving Agency may provide the Project Proponent with a simple form to submit Preliminary Information about the project.

Sometimes the **Preliminary Information** provided by the Project Proponent may suffice as an Initial Environmental Examination.

Based on Preliminary information the Project Approving Agency will prepare Terms of Reference (ToR) for the EIA report by conducting one or more "Scoping" meetings. If the project is very large in extent and magnitude, the Project Approving Agency may ask for more details about the project.

When should the project proponent provide the preliminary information?

As soon as the project concept is developed and the location of the project is decided. If the Project Proponent is carrying out pre-feasibility, then that is the right time to do it. You should not wait until the full feasibility stage to submit the preliminary information.

What is a Scoping meeting?

The purpose of a scoping meeting is : to identify the potential impacts of the development project, decide whether the Project Proposal requires an Initial Environmental Examination (IEE) study or Environmental Impact Assessment (EIA) Study, and to draft the Terms of Reference for the study.

A Scoping meeting is convened by the Project Approving Agency and attended by relevant government agencies having jurisdiction over the sector and the area where the project is to be located. Some representatives from the community may also be invited to the scoping meeting.

The final outcome of the Scoping meeting is the preparation of the Terms of Reference (ToR).

What is Terms of Reference (ToR)

Terms of Reference (ToR) is a guideline document to be used in preparing the EIA report. Terms of Reference contains the issues that need to be studied during the EIA process. It also gives the EIA report format. The EIA report should be prepared in conformity with the Terms of Reference.

Can the Project Proponent attend the scoping meeting?

The Project Proponent should attend the scoping meeting. This is a good opportunity for the Project Proponent to explain the project proposal to all concerned. It is important that the Project Proponent agree with the Terms of Reference. The Proponent should not complain later that the Terms of Reference are too demanding.

The Terms of Reference will be given to the Project Proponent to proceed with the preparation of an Initial Environmental Examination (IEE) report or Environmental Impact Assessment (EIA) report as the case may be.

What is the difference between an IEE and an EIA?

If the environmental impacts of the projects are not very significant then the Project Proponent may be asked to do an Initial Environmental Examination, which is a relatively short and simple study. However, if the potential impacts appear to be more significant the Project Proponent may be asked to do an Environmental Impact Assessment, which is a more detailed and comprehensive study of environmental impacts.

How long does the EIA Process take?

The time allowed for the Project Approving Agencies to process the EIA from the day the Project Proponent submitted the Preliminary Information is only 116 working days, provided that the information submitted is sufficient for the Project Approving Agency to review. The time allowed for the Project Approving Agency to process an IEE is less. However, there is no time limit to prepare the IEE/ EIA report. Experience shows that the time taken to prepare an EIA report ranges from 3 months to one year, depending on the nature of the project.

Who is responsible for the preparation of the EIA Report?

Consultants hired by the Project Proponent. A list of consultants and consulting firms is available at the Central Environmental Authority. The Project Proponent is responsible for submitting their EIA report to the Project Approving Agency.

What does the EIA report look like?

It is a relatively short and concise document (may be about 100 pages) written in easy to understand language that describes the following

- the details of the proposed project including all components
- the existing environment of the proposed project site
- the positive and negative impacts of the project
- proposed mitigation measures
- reasonable alternatives
- monitoring programme

Past EIA reports are available at the CEA library for reference.

How important is the EIA Report?

The decision whether to give environmental clearance to the project is based primarily on the EIA report. Thus it is very important that the Project Proponent pays utmost attention to the EIA report and its preparation. The Project Proponent should make sure that the EIA report provides an objective and comprehensive analysis of the positive and negative impacts of the proposed project. Well-prepared EIA reports help Project Approving Agencies to arrive at a sound decision without delay. Similarly, no matter how beneficial the project is, if the EIA report is poorly prepared the development proposal will run into difficulties at the evaluation stage. The EIA report plays a very fundamental role in the EIA process.

Therefore, the Project Proponent must insist that the EIA consultants or firm prepare a sound EIA report. The EIA report must be objective and accurate, and not appear to be biased document that simply promotes the project.

The Project Proponent can always consult the CEA for additional advice on how best to prepare the EIA report.

Who should be consulted during the process of preparing the EIA report?

All relevant government authorities that have jurisdiction over the site and the resources that the project may use, and the local communities and their representatives in the vicinity of the project site and any other stakeholders and organizations expressing an interest in the impacts of the proposed project.

Why should the local communities be consulted during the EIA study?

The local community has been there long before your project came to the site, and its residents may have been using the resources, including land on which the project is to be sited. Thus it is important to develop an amicable and lasting relationship with them. Second the Project Proponent must ensure that these people get accurate information about the project. If the local community is negatively affected in any way by the project it is important that the Project Proponent consult them and obtain their support in proposing alternatives and mitigation measures to minimize or even prevent such impacts. You can also highlight the benefits of the project to the local community. You will build good rapport with them and thereby counteract or prevent misconceptions and negative attitudes towards the project.

How much does it cost to carry out an EIA study?

Generally it is between 0.1% - 1.0% of the cost of the project. The Project Proponent should negotiate the cost with consultants or consulting firms. It is important to pay attention to the quality of the consultants or the firm. The cheapest bid may turn out to be the most costly in the long run. If the EIA report is of poor standard the Project Proponent may have to revise it extensively perhaps several times, to meet the requirements.

To whom should the project proponent submit the EIA report?

To the Project Approving Agency assigned to the project. The Project Proponent needs to submit required numbers of copies of the EIA report. The EIA report needs to be translated into Sinhala and Tamil also.

Why is the EIA report made available for public comments?

We live in a democratic country and the government has accepted the principle of transparency in decision making. The public are given this opportunity to comment on the project proposal to further enable the Project Proponent to address any of their concerns, positive and negative, in planning the project. By addressing their reasonable concerns the Project Proponent can ensure a healthy and friendly relationship with the public and a good image for the project. More important, it will minimize any negative reactions to the project. The Project Proponent can use the EIA team and field scoping sessions to inform the local community of the project and to develop an amicable relationship with the local community.

Does the Project Proponent have to submit any other information to the Project Approving Agencies?

If the EIA report is adequate, the Project Proponent does not have to submit any further information. However, the Project Approving Agency may ask for some specific information during the evaluation of the EIA report. If there are any public comments on the EIA report, they too will be sent to the Project Proponent for response.

Who gives the final decision (environmental approval)

The Project Approving Agency. The Project Approving Agency appoints a Technical Evaluation Committee (TEC) which independently evaluates the EIA report and submits their observations. The Project Approving Agency uses the observations in giving their decision.

In addition, the concurrence of the Central Environmental Authority is also, required the Project Approving Agency's decision to be effective.

What decisions can the project proponent expect?

Past experience shows more than 95% of the projects which have undergone IEE or EIA have been approved. The approval is usually given with specific conditions that enhances the positive impacts and minimizes the negative impacts of the project.

There have been instances where, projects have been rejected because first the EIA report had not adequately discussed some vital issues such as “reasonable alternatives” and second, environmental impacts of the proposed project were too significant to be mitigated.

The projects which have undergone IEE may sometimes be referred to undergo EIA if the impacts of the project are significant and further details are required.

The poor quality of the EIA reports has also caused extensive and costly delays to the project proponents.

How long is the approval valid for?

Generally the approval is valid for three (03) years. If the Project Proponent does not commence work within this period of the decision, renewal of the approval from the Project Approving Agencies is necessary. The validity period is usually stated in the letter of approval.

If the project proponent doesn't agree with the decision?

You have a right to appeal to the Secretary to the Ministry of Environment. His/her decision is final.

Do the Project Proponents require other permits even after getting EIA approval

Yes. You will also have to get approval for the project from the relevant government institution at the local level having jurisdiction over the proposed site. There may be other permit requirements as well. Remember EIA approval gives only the environmental approval. It is important that the Project Proponent obtains other permits such as land clearance from the relevant authorities before entering the EIA process.

What happens after the EIA approval is received?

EIA approval is generally given with conditions which the Project Proponents are expected to meet. Once the approval is granted the Project Proponent may **commence activities adhering to the conditions given in the approval letter.** The Project Proponent is expected to monitor the effectiveness of the mitigation measures. The Project Approving Agencies or the CEA will make site inspections to ascertain the level of compliance. If the Project Proponent violates the conditions, the approval may be revoked.

What activities can the Project Proponent carry out before receiving the approval?

Only those that will not lead to any changes at the site. The Project Proponent can explain the project to the people and others having an interest in the project and its outcome. In fact, Project Proponents are encouraged to employ professional public relations consultants for this purpose.

You can also carry out such activities as surveying the land and field testing etc.

From where can the Project Proponent get more details on the EIA Process?

The Environmental Management & Assessment Division of the Central Environmental Authority, No. 104, Denzil Kobbekaduwa Mawatha, Battaramulla.

Tel : 011-2872419

Fax: 011-2872296

The following documents available for sale at CEA are useful.

- **Guidance for Implementing the Environmental Impact Assessment (EIA) Process No. 1 - A General Guide for Project Approving Agencies**
- **Guidance for Implementing the Environmental Impact Assessment (EIA) Process No. 2 - A General Guide for Conducting Environmental Scoping**

The library at the Central Environmental Authority and several Universities have good collections of background material on EIA. The CEA library also has copies of past EIA reports for reference.

Who benefits from EIA?

All of us do. While EIA benefits the country at large, the real beneficiary is the project proponent.

How EIA benefits the Project Proponent?

- To get an objective analysis of both negative and positive impacts of the development proposal
- To minimize negative impacts and to maximize positive impacts
- To reduce unnecessary cost
- To avoid delays
- To reduce the possibility of protests and other disruption
- To get a good understanding of the environment where the projects is to be located
- To give a true and realistic picture of the project to the community
- To obtain information on all legal requirements needed to implement the project
- To get a better understanding of the viability of the project
- To obtain public recognition and acceptance for the project
- To tap into markets which consumers are increasingly sensitive to the environmental issues
- To help make a sound and sustainable project.

Why should I care for the Environment?

Because you already do care for the environment as a person or as a family. No one likes to live in a "bad" environment. So no one should be party to creating one.

You could also prove that investors and developers like you are also concerned about the environment.

Environment is the resource base for development activities. By taking care of the environment today you are creating the opportunity for other fellow investors / developers to use the same resource base in the future.

The future development depends on how well we take care of the environment today.

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